

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

-FILED-

DEC 26 2023

At _____ M
Chanda J. Berta, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

Case No.

3:23-cv-1114

(to be filled in by the Clerk's Office)

Daniel Ezra Watkins

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

William Redman, Russell Olmstead

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

-FILED-

DEC 27 2023

At _____ M
Chanda J. Berta, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

B.1.
Ex. A

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Daniel E Watkins

All other names by which
you have been known:

ID Number

OCAN#331378

Current Institution

St. Joseph County Jail

Address

401 W. Sample St.

South Bend

IN

46601

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

William Redman

Job or Title (*if known*)

Sheriff

Shield Number

- NA -

Employer

STCJD

Address

401 W. Sample St South Bend IN 46601

City

State

Zip Code

☒ Individual capacity

☒ Official capacity

Defendant No. 2

Name

Russell Umstead

Job or Title (*if known*)

Warden

Shield Number

- NA -

Employer

STCJD

Address

401 W. Sample

South Bend

IN

46601

City

State

Zip Code

☒ Individual capacity

☒ Official capacity

Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Claim 1. Segregated Confinement, Claim 2. ADA

Claim 3. Rehabilitation Act Claim 4. Serious Medical Needs

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- NA -

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See Attached Statement of Facts "Part 1" (Pg. 5-6)

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- NA -

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

St. Berth County Jail Booking/Intake June 27, 2023 "Continued"

Defendant: William Redman is the (Sheriff) of the St Joseph County Police Department and Operates the St. Joseph County Jail that houses Pretrial Detainees.

The (Sheriff) maintained Policies that Support Systemic Deficiencies in Staffing, Facilities and Procedures which makes suffering inevitable in violation of the Plaintiffs Rights under the:

Claim 1. 8th & 14th Amendment Segregated Confinement

Claim 2. ADA Compliant Housing

Claim 3. Rehabilitation Act

Claim 4. Serious Medical Needs 8th & 14th Amendment

Defendant: Redman is Responsible as he Implicitly Authorized Approved or Knowingly Acquiesced to Policy or Custom that Led to the Violation of the Plaintiffs Rights.

The Defendant is Sued in his Individual and Official Capacities
All Defendants have acted, and Continue to act, under Color of State Law at all times Relevant to this Complaint.

"Part 1"

Defendant: Russell Almstead is the (Warden) of the St. Joseph County Jail. he is the Jail's highest Ranking Supervisory Official. he is directly involved in Enforcing Policy, Writing Regulations and giving Orders that Support Systemic Deficiencies in Staffing, Facilities and Procedures that make Suffering of Pretrial Detainees inevitable and in Violation of the Plaintiff's Rights under the:

Claim 1. 8th & 14th Amendment Segregated Confinement

Claim 2. ADA Compliant Housing

Claim 3. Rehabilitation Act

Claim 4. Serious Medical Needs 8th & 14th Amendment

Defendant: Almstead is Responsible as he failed to Act and Accepted Policies or Customs that Degrade Detainees an Adequate Medical Care System that led to the Violation of the Plaintiff's Rights.

The Defendant is Sued in his individual and Official Capacities
All Defendants have acted, and continue to act, under Color of State Law at all times Relevant to this Complaint

C. What date and approximate time did the events giving rise to your claim(s) occur?

From June 27, 2023 "Continuously"

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See. Attached Statement of Facts

"Part 2" Pg. 8 through 19 (Declarations of Daniel Wilkins)

See, EXHIBIT 2

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

See. Attached Pg. 20

Required: Phantom Limb medication, medical equipment liners & socks to use Prosthetic (PLP) outside Physical Therapy to walk and continue mobility?

I Did / have not Received ANY Treatment in the SACT

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See. Attached Pg. 21 through 23

State of Indiana

County of St Joseph

Declaration of Daniel Wilkins

Pursuant to 28 U.S.C 1746, I declare under Penalty of Perjury that the following is true and correct:

Facts Prior to Arrest

1. On March 4, 2022 at 3:00 am I was leaving work after a 12 hr shift I was chased by a Mishawaka Police Officer and a St Joseph Police officer.
2. Due to Systemic Police Profiling I feared for my Life due to the Lack of Psychological treatment after nearly 15 years of incarceration within the IDOC.
3. Due to my Car having Bad Brakes I could not stop my Car which resulted into me crashing my Car into a tree because I could not stop.
4. I was transported and treated at the Becan Memorial Hospital where I had my Right Leg Amputated above knee, Compound Right hip fracture and Chest Fracture.
5. I was never Arrested for a Crime and told that I could have my Parole transferred from St Joe to Allen County so that I could receive treatment at the Fort Wayne Rehab hospital in which I did, I was told that I would only receive a ticket.
6. On December 27, 2022 a St. Joe Prosecutor issued a warrant for my Arrest. I continuously Reported to Parole in Jan 2023 till my Arrest on June 24, 2023.
7. I was Discharged off Parole on August 16, 2023 without a Violation.

Daniel E. Wilkins
Daniel E. Wilkins

State of Indiana

9 of 29

Part 2

County of St. Joseph

Declaration of Daniel Wilkins

Complaint Sec 4 (D) Statement of Facts

Pursuant to 28 U.S.C. 1746 I declare under Penalty of Perjury that the following is true and correct:

Segregated Confinement 8th & 14th Amendment Violation
Claim 1.

1. Upon my Arrival at the St. Joseph County Jail on June 27, 2023 I have been continuously been housed in a Booking / Intake Cell E-033 under 23 and 1, Solitary Confinement.

2. I was told by an unknown Intake "welsh" Nurse that it was the STCJ Policy that I will remain housed in intake / Booking due to my Disabilities as an Above Knee Amputee.

3. Defendant (Sheriff) Redman implicitly Authorized or knowingly acquiesced to a Policy or Custom to Place detainees with Disabilities under 23 and 1 Solitary Confinement without Due Process.

4. Defendant (Warden) Olmstead Failed to act and accepted Policy or Customs to Place detainees with Disabilities under 23 and 1 Confinement.

5. Defendants Redman and Olmstead use Intake / Booking Cells to house Short & Long term detainees who are mentally ill, Admin Seg, Disc Seg, Juvenile / Adults, wheel chairs, Cain's, Deaf, Blind & Amputees all under 23 and 1 Solitary Confinement.

6. Based on the above-described conditions the Plaintiff has Never Been Subjected to any Disciplinary Proceedings, Notice, hearings, Confrontation & Cross-examination Etc. to Support 23 and 1 Solitary Confinement.
7. No Loss of Good Time Credit to Support Solitary Confinement.
8. The Defendants have Subjected the Plaintiff to Constant Cell Illumination from a 30-watt Fluorescent Bulb 24 hours a Day, Causing Sleep Deprivation, and Punishing Plaintiff.
9. Defendants Further Subject the Plaintiff to 24 hour Camera Observation.
10. Defendants Serve 3 meals through "Door Slot" Like 23 and 1 Solitary Confinement.
11. Defendants Provide Medication through "Door Slot" Like 23 and 1 Solitary Confinement, The Plaintiff made his Phantom Pain & hip Pain known every med pass.
12. Defendants only Allow Showers at the Discretion of the Intake / Booking officers the Plaintiff was Denied Showers in July 2023 2 times for 3 consecutive Days, and in Aug between the 1st & 14th i was Denied Shower for 3 consecutive Days, and Between Aug 14 through the 17th i was Denied Showers for 4 consecutive Days.
13. Defendants only Allow Access to Phone through "Door Slot" Like 23 and 1 Solitary Confinement. 1^{hr} Daily, After Non Business hours

14. Defendants only Allowed Learning of Cell at the Discretion of Intake Booking Officers Never Allowed to Clean Suits.

15. All mail is Received through the "Door slot" Like 23 and 1 Solitary Confinement.

16. No Access to Recreation Deck only at the Discretion of Intake Booking Officers, the Restriction.

17. No Religious Service Access.

18. No Access to Jail Programs

19. All Commissary's Passed out through the "Door slot" Like 23 and 1 Solitary Confinement.

20. Defendants Donot Provide Access to a mail Box, Grievance Box, Etc... Everything we send out is ~~only~~ at the Discretion of the Officers in intake/Booking, Plaintiff must Put All mail in the Crack of the Door for Pick UP.

21. The Plaintiff contends that the Conditions imposed on him by the Defendants by Virtue of Plaintiff's Disability, Constitute an Atypical and Significant hardship as these Conditions are Substantially more Restrictive than any non-Punitive Confinement. Their actions Constitute Punishment or Purposeless or Excessive in relation to Defendants Purposes.

22. On July 21, 2023 ^{12 of 29} Plaintiff submitted his 1st set of Grievances to Defendant (Olmstead) Regarding Segregated Confinement. I Recorded my Grievances on Camera in my Cell.

23. On August 16, 2023 I submitted my 2nd set of Grievances to Defendant (Redman) Regarding Segregated Confinement, ADA, Rehabilitation Act and serious medical needs. I Recorded my Grievance on Camera in my Cell.

24. On September 4, 2023 I submitted 4 more Grievances to Defendants and Recorded them on the camera in my Cell @ 9 PM 3rd set.

25. The Plaintiff Never Received a Rule Book During the Intake Booking Process.

26. The Plaintiff was told by an unknown officer that the Jail has its own Policy and is a separate entity from Booking/Intake which has its own Policy.

27. The Plaintiff named both Defendants in Grievances and Appeals the Plaintiff Never Received any hint of an investigation of the claims or a written response from Jail Commander or Sheriff ever.

28. The Plaintiff states that he Exhausted his Remedies on Paper Under the unusual Circumstance of the Plaintiff Never being housed in Jail Gen Population. The Defendants must explain what Remedies are available for Detainees housed in Booking/Intake for long terms if Booking/Intake has its own Policies.

State of Indiana)

Part 2

County of St Joseph)

Declaration of Daniel Wilkins

Complaint Sec 4(D) Statement of Facts

Pursuant to 28 U.S.C. 1746 I Declare under Penalty of Perjury that the Following is true and correct:

ADA Compliant Housing Violation

Claim 2

1. The Plaintiff maintains that as a qualified individual with a disability I.E. Above knee Right Leg Amputation, Defendants (Redmon) and (Dimstead) are excluding the Plaintiff from Participation or Denying the benefits of the Services, Programs or activities of a Public Entity "St. Joseph County Jail" the Plaintiff is being subjected to discrimination while detainees and convicts without disabilities are granted full access within said Public Entity (Jail).

2. The Plaintiff has been deemed Disabled by the Social Security Department of Indiana and Receives \$524 monthly.

3. The Plaintiff is also receiving Medicaid Benefits that pay for his (PCP) Doctor, medication, Prosthetic limb, medical supplies, & Physical therapy.

4. The Defendants are excluding and discriminating against the Plaintiff by Substantially limiting the Plaintiff's major life activities such as: walking, standing, lifting & bending, causing the Plaintiff to suffer from Phantom limb Pain, Right Hip Pain, and Lower Back Pain. The Plaintiff also suffers from Daily muscle spasms.

5. The Defendants are housing the Plaintiff as a Pretrial Detainee in a intake (Booking Cell under "23 and 1" Solitary Confinement Denying the Plaintiff adequate ADA Compliant Housing Facilities.

6. The Defendants are operating the SJCT without a handicap accessible unit or open Pod like General Population. The actions of the Defendants are intentional discrimination Due to the Disabled being Placed under "23 and 1" Solitary Confinement.

7. The Defendants are operating the SJCT without a handicap accessible Cell, toilet & Sink. Forcing the Plaintiff to sleep on the floor in a EZBunk as a Result of non-Compliant Fixtures such as handrails to move in & out of Bed and Around in Cell.

8. The Defendants have Refused to Provide transportation to outside medical appointments, Prosthetic Limb Fittings, Physical therapy, wholly Precluding Plaintiff From Participating in Jail Services. The Plaintiff's Continuous Immobility Pain and Suffering in Prison is a result of Official Policy.

9. The Defendants have Refused to Provide medical direction to ensure that the Plaintiff would be able to use his \$92,000 Prosthetic Limb by Providing Plaintiff with Proper Medication, Limb Fitting Sleeves, Proper Shoes and a Solution to keep the Prosthetic Device charged.

10. The Defendants have Adopted and are enforcing Policy of Placing disabled detainees under 23 and 1 Solitary Confinement Rather than allow them to Reside, Recreate and Receive medical care in a integrated Setting Showing intentional discrimination upon Plaintiff.

Rehabilitation Act
Claim 3

11. The Defendants (Redman) and (Lomstead) are receiving Federal Funding covered by the Rehabilitation Act for all of its services, programs and activities.

12. The Defendants receive Federal funds for housing Federal Prisoners ~~who~~ at the STCT. I have direct knowledge of 2 BOP inmates who have been convicted and sentenced E-029 and E-032 are being held in 23 and 1 Solitary Confinement Classification. Both inmates are qualified individuals with a disability. Both inmates have been excluded from programs, services, or activities within the STCT for more than 90 consecutive days.

13. The Defendants' request for funding and total misuse of the funding to accommodate the Deff with access to (TDD), the Blind with an aid or cane, Amputees, wheelchair bound and disabled due to medical conditions while being housed at the STCT under a 23 and 1 Solitary Confinement status is a typical and significant deprivation of a basic need part of the minimal civilized measure of life's necessities.

14. The Defendants' failure to provide adequate facilities for necessary medical care, the Defendants' Jail intake/Booking Policy subjecting 23 and 1 Solitary Confinement of the disabled is in direct violation of the Rehabilitation Act.

Daniel E. Wilkins
Daniel E. Wilkins

State of Indiana)

Part 2

County of St. Joseph)

Declaration of Daniel Wilkins

Complaint Sec 4 (D) Statement of facts

Pursuant to 28 U.S.C. 1746 I Declare under Penalty of Perjury that the Following is true and Correct:

Serious Medical Needs

Claim 4

1. On June 27, 2023 when the Plaintiff entered the SJCT Booking Intake Unit Plaintiff made it known of his Above knee Right Leg Amputation to the Unknown "Wolcott" Nurse. The Plaintiff had also made it known that he was at that very moment in Pain Due to the lack of Phantom Limb Pain since June 24, 2023, when arrested.
 medication
2. The Plaintiff Also made it know that he had experienced a serious Allergic Reaction from taking Multiple medications to treat his Phantom Limb Pain and said reaction caused Plaintiff's hair to fall out and skin irritations.
3. The Plaintiff made it known Prior to any medications being issued that the Plaintiff and his Doctor had finally found the Best Combination to treat the Plaintiff's Phantom Limb Pain, and that he was on Medicaid.
4. The Plaintiff's Treatment Plan included Naloxone 90mg, Gabapentin 600mg and Methocarbamol 750mg. These were Prescribed by outside Pain management Doctor Luke R Miller, "Painview" Fort Wayne, Ind.

5. The Plaintiff was told that his Pharmacy Medications were being Verified and the head Unknown R.N. has Prescribed that I take a stoolsoftener and a mental health Antidepressant, that was apart of the Combination of Phentermine Pain meds not meant to be taken without Gabapentin and Methocarbamol. I Proceeded to take said medications with hopes that the Suffering would stop But no Results came from taking these medications alone.

6. The Plaintiff was told on July 13, 2023 that my medications were finally Verified, when I questioned Unknown Nurse at med Pass on said Date she stated "I was not Receiving Anything But what Nurses deem necessary" I Asked Why are you Doing this to me as I am clearly in Pain & Suffering the Nurse stated "You are an inmate in Jail".

7. On June 16, 2023 a unknown WellPath Nurse issued medications Stoolsoftener and Baclofen 10mg, I again asked Nurse "Why can't I receive the medication that my Doctor Prescribed"? she stated "Jail inmates don't receive Prescribed medications that were issued by their Outside (POB) Even if the Insurance medication Paid for said medications" I asked why? she stated "St Joseph County Jail has it's Policy And methods issuing med's take them or you can Refuse".

8. On July 27, 2023 after 30 days in (SJCT) the Plaintiff was finally Called out of his Cell and taken to his First Medical Examination, Well Beyond his June 27, 2023 Intake Date. During said examination (WellPath) Dr. Smith Told Plaintiff "Now that all of your old medications are out of your system we can start a new Plan of Treatment everything that happened is water under the Bridge".

9. Prior to Plaintiff's 1st examination I filed a Grievance on July 21, 2023 to the Defendants informing them of the denial of Pain Medications.

10. During a med pass in July 2023 a unknown wellpath Nurse stated: "STCJ Does not Allow narcotic Pain medication and all inmates are miss using using meds by giving them to others & this is why nursing staff only Give meds out by floating them in water before passing them out."

11. On August 09, 2023 Plaintiff Submitted health Request informing them that Plaintiff was now suffering from Chronic Phantom Pain and that Plaintiff had a solution to Receive Narcotic Pain medication by crushing them and then floating them in water.

12. On August 16, 2023 Plaintiff filed ^{2nd} set of grievances to the Defendants about suffering from Phantom limb pain, and why medical Personnel were Acting like Phantom Limb Specialist and Trying to Provide treatment for which they were neither licensed nor trained, Some day nurse questioned me about medication and dosage.

13. On August 30, 2023 wellpath nurse & Dr. Smith came to my Cell E-D33 Looked at me and asked me if I was a Female named Tera Holman 3X I told them "I've been in the same Cell for 60 days now suffering and you questioning instead of treating my medical condition."

14. On September 4, 2023 I submitted my 3rd set of Grievances to Defendants and Recorded them on the camera in my Cell @ 9^{PM}.

15. On September 16, 2023 I was Called out to see a unknown Doctor & wellpath Personnel who questioned me about my Car Accident in the presence of a St. Joseph County Police Officer who seem to be recording our conversation on a Cell Phone.

Defendants' Conduct Amounts to Deliberate Peril

16. On August 27, 2023 I submitted 2 Health Care Request First was to Provide transportation to Doctor (PCP) "Luke R Miller" a Phantom Limb Pain Specialist, and the Second Request was to set an Appointment and transport to Prosthetic Provider "Shawn Brown" Summit City, Both Request were ignored and Refused.

17. The Defendants (Redman) and (Cainstead) are using Blanket Policy to deny narcotic Pain Medication in the SJCT Causing Unnecessary Prolonged Pain.

18. The Defendants Failed to ensure that "workpath" staff were Properly trained and ensuring they Followed Proper Procedures when Evaluating and treating Inmates who Cannot walk and use Prostheses to move about the Jail in an Appropriate manner, to use the toilet, to use the Shower, to obtain meals, and to obtain Suitable Recreation and Exercise, Denies Basic needs Part of the minimal Civilized measure of Life's necessities that the Defendants were obligated to help Provide under a Adequate Medical Care System.

19. The Defendants Prison-like conditions Systemic Deficiencies in Staffing, Medical Facilities or Procedures within the SJCT Expose the Plaintiff To an "Excessive Risk" to the Plaintiff's health and Safety, making Suffering Inevitable.

20. The Defendants (Redman) and (Cainstead) have the Plaintiff under 23 and 1 Solitary Confinement without Providing Any Medical Treatment to Plaintiff It's a Clear Denial of Presumption of Innocence and Punishment is Being inflicted

Daniel E. Wilkins
Daniel E. Wilkins

INDIGES
Pg. 7 Sec. 5

Mental & Emotional

1. Stress, Fear & Depression, Due to Plaintiff being Placed in 23 and 1 Solitary Confinement Segregation without Due Process

Loss of Liberty

2. the Plaintiff has been held under 23 and 1 Solitary Confinement Segregation Due to his Disability as a Above knee Amputee since June 27, 2023 & Came into SCT under the Presumption of Innocence, Being Placed in 23 and 1 Segregation has Forced me to think about waiving All my Rights, Speedy Trial, Counsel ect., and Just Plead Guilty Just to Get medical treatment.

Physical Injury

3. the Plaintiff an Above knee Amputee has been continuously Denied "Phantom Limb Pain Medication" a diagnosable medical Condition since June 27, 2023. The Plaintiff is Suffering From 24 hour Pain in his Right Limb Stump, 24 hour Right hip Pain Due to Fracture, Lower Back Lumbar Spine Pain Due to Plaintiff having to Lay Down in Cell 23 hours a Day. The Plaintiff is Denied the use of his Prosthetic Limb to Exercise Sufficiently Causes Damage to the Right hip and a undeserved infliction of Suffering Due to loss of mobility/walking. Severe headaches, lack of sleep attributed to bright 24-hour Illumination During 23 and 1 Solitary Confinement Segregation.

Relief Requested

Pg. 7 Section 6

Wherefore, Plaintiff request that the Court Grant the following Relief:

A. Issue a declaratory Judgment stating that:

1. The Placement of the Plaintiff in 23 and 1 Solitary Confinement by Defendants (Redman) and (Lomstead) Violates the Plaintiff's Rights under the 8th and under the Due Process Clause of the 14th Amend to the United States Constitution.
2. Defendant (Redman's) Failure to Provide ADA Compliant Housing and maintaining Policies that support inadequate Facilities make Suffering of Pretrial Detainees and Plaintiff Violated, and Continue to Violate, the Plaintiff's Rights under the 8th Amendment to the United States Constitution.
3. Defendant (Lomstead) failed to adopt and accepted Policies that Deny ADA Compliant Housing, Enforcing 23 and 1 Solitary Confinement upon the Plaintiff as a Pretrial Detainee Violated and Continue to Violate the Plaintiff's Rights under the 8th Amend to the United States Constitution.
4. Defendants (Redman) and (Lomstead's) actions in failing to Provide an Adequate Medical Care System for the Plaintiff Violated and Continue to Violate, the Plaintiff's Rights under the 8th Amendment to the United States Constitution.
5. Because of the Presumption of Innocence, Plaintiff can only be held under the least restrictive conditions possible; the 23 and 1 Solitary Confinement is Unjustified Punishment and Unconstitutional.

B. Issue A Preliminary Injunction Ordering Defendants Redman and Olmstead to:

1. Immediately Arrange for the Plaintiff to be Transferred to a Jail without medical Restrictions such as 23 and 1 solitary Confinement.
2. Immediately Arrange for the Plaintiff to be Transferred and Evaluated at a Inpatient Treatment Facility by a medical Practitioner with expertise in the treatment of Amputees.
3. Immediately Arrange for the Plaintiffs Needs for Physical Therapy.
4. Carry out without delay the treatment directed for such medical Practitioner.

C. Award Compensatory Damages in the Following Amounts Jointly and Severally against:

1. \$ 100,000 Def Redman and Olmstead for loss of liberty while Confined under 23 and 1 Segregation and Punishment
2. \$ 50,000 against Defendants Redman and Olmstead for the Mental & Emotional Injuries Sustained as a result of Suffering from Phantom limb Pain.

D. Award Presumed Damages Jointly and Severally against:

1. Defendants Redman and Olmstead for the Physical and Emotional Injury Resulting from their Failure to Provide a Adequate medical Care System to the Plaintiffs Injury is Impossible to measure Due to the likelihood of a Hip Replacement.

E. Award Punitive Damages in the Following Amounts:

1. \$ 30,000 against defendant (Redman)
2. \$ 20,000 against defendant (Olmstead)

F. Appointment of Special Master

1. The Plaintiff Further seeks a Special Master to view objectively the SJCT Policy and the Intake/Booking Policy; to also minimally investigate the Continued Deaths at the SJCT 2022-2023 as a Public Safety Concern, to conduct hearings on the Record, to Prepare Findings of Facts that may Justify a DOJ Investigation and a 42 U.S.C 1991 (CRIP) Request to the Indiana Attorney General for Excessive Flagrant Conditions like medical 23 and 1 Solitary Confinement of Pretrial Detainees within the St Joseph County Jail.

10 23, 2023

Respectfully Submitted

Daniel Ezra Watkins

401 W. Sample St.

South Bend, Indiana 46601

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

St. Joseph County Jail

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

Claim 1. 8th & 14th Amend Segregated Confinement
Claim 2. ADA Compliant Housing
Claim 3. Rehabilitation Act
Claim 4. Serious Medical Needs 8th & 14th Amend

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

A. I Placed all Grievance in my Cell Door and when Denied Grievance Forms I used Request Forms.

B. I ALSO Documented all Forms on Camera in my Cell Before they were Picked up.

2. What did you claim in your grievance?

A: 23 and 1 Segregated Confinement was Punishment and loss of liberty

B. STCT IS not ADA Compliant for the Disabled

C. STCT Reviews Federal Funding and Denies Proper Hearings

D. Failure to Provide adequate Medical Health Care System

3. What was the result, if any?

The STCT Grievance Process is For General Population inmates I submitted Grievances Anyway? Even though I am continuously housed in intake bookings that has its own Policy unknown to Plaintiff.

I never received a response to any of my initial grievances I still submitted 3 sets to Defendants.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I submitted Initial Grievance no Response

I then submitted 2 more sets of Grievances to Sheriff of STCT and Never Received a Response No Log #, No Action Taken, Nothing

See Exhibit 1

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

- NA -

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

- NA -

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Due to me being housed in a Intake / Booking Solitary Confinement Cell I never entered SCT yet i still made a (Substantive Exhaustion) and (Procedural Exhaustion) being held under 23 & 1 status medical Punishment

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

The Intake / Booking Grievance System was not made known to me
I have been excluded from any grievance system i submitted 3 sets of
"Grievances" I exhausted All Remedies

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- NA -

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

- NA -

Defendant(s)

- NA -

2. Court (if federal court, name the district; if state court, name the county and State)

- NA -

3. Docket or index number

- NA -

4. Name of Judge assigned to your case

- NA -

5. Approximate date of filing lawsuit

- NA -

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

- NA -

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

- NA -

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Daniel E. Wilkins

Defendant(s)

IDOC Comm B. Lemon

2. Court (if federal court, name the district; if state court, name the county and State)

U.S. Dist Northern Div Indiana

3. Docket or index number

Lexis 143491 / 2016 WL 70571743 [N.D. Ind. Oct. 17, 2016]

4. Name of Judge assigned to your case

Hon. E. Devalio Chief Judge

5. Approximate date of filing lawsuit

2016

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Kosher Diet Settlement & Release Entered in MR favor
2019


IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: October 23, 2023

Signature of Plaintiff 

Printed Name of Plaintiff Daniel Ezer Wilkins

Prison Identification # 331378

Prison Address STC 401 W. Sample South Bend, IN 46601

City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City State Zip Code

Telephone Number _____

E-mail Address _____

EXHIBIT 1

State of Indiana)

County of St Joseph)

Declaration of Daniel Wilkins
No Administrative Remedies Available

Pursuant to 28 U.S.C 1741b I Declare under
Penalty of Perjury that the following is True and Correct:

Exhaustion of Admin Remedies

The Defendants ongoing history of Refusing to Process
Grievances within the St Joseph County Jail OR EVEN
ISSUE A Rule Book to All Pre-trial Detainees upon
entry in Intake / Booking is Contrary to Policy.

The SCTJ Does not have a Designated Locked
Mail Box OR even a Supervisor who handles
Grievances.

An Officer Can Pick up a Grievance that has been
sticking out the crack of a door And never Forward
it to a Superior Officer.

I Never Received a Rule Book No Documentation that my Grievance
was Recorded or Given a grievance Number Similar Conduct
outlined in Donell D. Sanders No: 3:23-CV-77-DRL-MBA

Daniel Wilkins
DANIEL WILKINS

State of Indiana)
County of St Joseph)

Declaration of Daniel Wilkins
Medical Solitary Confinement

Pursuant to 28 U.S.C 1746 I Declare Under Penalty
of Perjury that the following is true and correct:

23 hour Segregation

The Defendants ongoing history of supporting a Policy
of the Pre-trial Detainees with Disabilities to be Punished
Under a 23 and 1 Medical Solitary/Segregation Classification
IS a Practice that has been enforced by Past
Sheriffs and wardens of the SJCT.

The Actions of the Defendants are well beyond
Accepted Standards of Jail management and below
all aspects of Professional Correctional Services.

I am being Punished under 23 and 1 segregation as a
Pre-trial Detainee My treatment and conditions are below
Convicted felons in Prison housed in the (SHU).

Similar Conduct outlined in Newman v. Grzeszpek

3:17-cv-691-JD-MGG (Ind Jan 09, 2018)

Daniel Wilkins
Daniel Wilkins

